

1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179-0830.

**FOR FURTHER INFORMATION CONTACT:** Julia M. Farr, (202) 927-5352. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's Decision No. 44 in Finance Docket No. 32760. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
Secretary.

[FR Doc. 96-20471 Filed 8-9-96; 8:45 am]

BILLING CODE 4915-00-P

**Surface Transportation Board<sup>1</sup>**

[Docket No. AB-3 (Sub-No. 134X)]<sup>2</sup>

**Missouri Pacific Railroad Company—  
Abandonment Exemption—Troup-  
Whitehouse Line in Smith County, TX**

Missouri Pacific Railroad Company (MPRR) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to abandon approximately 7.5 miles of the Troup-Whitehouse line (portion of the Tyler Industrial Lead) extending from milepost 0.50 near Troup to milepost 8.0 near Whitehouse, in Smith County, TX.<sup>3</sup>

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, except that petitions to revoke would be filed under the new law at 49 U.S.C. 10502(d).

<sup>2</sup> This exemption is related to Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway*

MPRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic will be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. The notice is subject to environmental conditions as set forth in Appendix G in Decision No. 44, served on August 12, 1996, in Finance Docket No. 32760. Also in Decision No. 44, the Board has imposed a 90-day public use condition. Trail use/rail banking conditions or additional public use conditions will be imposed, where necessary, in a subsequent decision.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 11, 1996, unless stayed pending reconsideration. Petitions to stay, formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>4</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>5</sup> must be filed by August 22, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 3, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's

*Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company.*

<sup>3</sup> MPRR states that the abandonment does not include active industries at Troup or Whitehouse, TX. MPRR also states that it intends to consummate the abandonment on or after the effective date of the Board's approval in Finance Docket No. 32760.

<sup>4</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>5</sup> The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

representative: Robert T. Opal, General Attorney, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Decided: August 6, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,  
Secretary.

[FR Doc. 96-20478 Filed 8-9-96; 8:45 am]

BILLING CODE 4915-00-P

**Surface Transportation Board<sup>1</sup>**

[Docket No. AB-3 (Sub-No. 132X)]<sup>2</sup>

**Missouri Pacific Railroad Company—  
Abandonment Exemption—  
Whitewater-Newton Line in Butler and  
Harvey Counties, KS**

Missouri Pacific Railroad Company (MPRR) has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments and Discontinuances* to abandon a 9.0-mile portion of the Newton-Whitewater line (portion of McPherson Branch) from milepost 476.0 near Whitewater to milepost 485.0 near Newton, in Butler and Harvey Counties, KS.<sup>3</sup>

MPRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic can be rerouted over other rail lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. 104-88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. This notice relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this notice applies the law in effect prior to the Act, except that petitions to revoke would be filed under the new law at 49 U.S.C. 10502(d).

<sup>2</sup> This exemption is related to Finance Docket No. 32760, *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company.*

<sup>3</sup> MPRR states that the abandonment does not include active industries at Whitewater or Newton, KS. MPRR also states that it intends to consummate the abandonment on or after the effective date of the Board's approval in Finance Docket 32760.